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SUBJECT: IMPROVING BOTSWANA'S ELECTIONS

¶11. (U) SUMMARY: Although Botswana's Independent Electoral Commission (IEC) administered the October 2004 parliamentary election admirably, constitutional and statutory amendments could enhance the IEC's ability to conduct elections in a free and fair manner. At a June 9-10 conference co-sponsored by USAID and the IEC, stakeholders in the election process debated how to better insulate the IEC from political pressure, regulate campaign financing and prevent incumbents from abusing state resources. Building on a January DVC on campaign finance hosted by Embassy Gaborone and a February 2005 workshop for IEC staff to evaluate their recent performance, also funded by the Embassy, this conference continued and extended Mission's advocacy to strengthen Botswana's democratic institutions. END SUMMARY.

¶12. (U) Using money earmarked by USAID's Regional Center for Southern Africa (RCSA) for programs in non-presence countries, Embassy Gaborone, RCSA, and the IEC jointly planned a June 9-10 conference to deliberate constitutional and statutory changes that would strengthen the IEC and improve the conduct of elections in Botswana. The conference drew participants from all the major political parties, the media, the University of Botswana as well as various Government agencies. In an unusual step, after officially opening the event, Minister of Presidential Affairs and Public Administration Phandu Skelemani remained to observe the conference's provocative first session on incumbency and its abuse. The presence of the two senior-most officials on the political staff of the Office of the President reflected the importance the GOB accorded this conference.

ENHANCING THE INDEPENDENCE OF THE IEC

¶13. (U) Proposals for enhancing the independence of the IEC won broad support among conference participants. Formerly the Office of Elections within the Office of the President, the IEC is now a separate body. The Secretary of the IEC however, is, still appointed by the President and the IEC's budget flows through that of the Office of the President. Although members of the Commission are not appointed by the President, they are chosen by the members of the Judicial Service Commission, all but one of whom are Presidential appointees. The conference endorsed without objection recommendations that the National Assembly amend the Constitution to establish procedures for appointing members of the Commission and its Secretary, the funding the IEC, and regulating its operations, that would protect it from manipulation by the President.

BROADENING THE MANDATE OF THE IEC

¶14. (U) A number of the recommendations adopted by the conference urged the National Assembly to clarify and broaden the mandate of the IEC. During the October 2004 election, the opposition parties argued that the current arrangement, whereby the President chooses the polling date, allows the ruling party the unfair advantage of exclusive advance knowledge on which to base its campaign plans. Participants suggested a number of remedies, most of which involved granting the IEC a role in setting the voting day.

¶15. (U) Another proposal advocated replacing the current Delimitation Commission, an ad hoc body again chosen by Presidential appointees to adjust the boundaries of constituencies, and instead conferring its powers upon the IEC. This would reduce the perceived scope for gerrymandering. Assigning this role to a permanent institution also would enable it to correct possible mistakes. The most recent Delimitation Commission was unable to correct errors it had made because the Commission is dissolved upon submission of its report to the President.

CALLS FOR CAMPAIGN FINANCE REFORM, BUT NOT READY FOR FINANCIAL DISCLOSURE

¶16. (U) Most controversial were calls for campaign finance reform. Members of the opposition parties railed against the common practice of ministers addressing party political rallies while traveling within the country on government business. They also clamored for state funding for

political parties and avidly queried a representative of South Africa's electoral management body on provisions for party funding in South Africa.

17. (SBU) References to campaign finance disclosure failed to resonate with members of either the ruling or opposition parties. It is commonly known that the ruling Botswana Democratic Party (BDP) draws significant backing from the mining company De Beers. BDP Executive Secretary Batlang Serema made it clear that both the Party and its supporters are hesitant to publicly disclose the magnitude and nature of that support. UB academic Gladys Mokhawa echoed opposition politicians' comments to PolOff observing that contributors to the opposition parties are equally reluctant to be known. Since most companies count Government agencies among their largest customers, their proprietors often fear that openly donating to opposition parties could cost them vital Government contracts.

EQUALIZING ACCESS TO BROADCAST MEDIA

18. (U) Lastly, participants debated the role of the broadcast media in the election process. Dr. Masego Mpotokwane, Chair of the National Broadcasting Board (NBB), acknowledged the media's responsibility to assist citizens to hold their representatives accountable. Although he said that the NBB is working on a code of conduct for broadcasters during elections, he refused to comment on the controversial question of whether the state media should cover party political events at which the President presides the same way it covers events which involve him in his capacity as head of state. During 2004, regulations established by the Ministry of Communication, Science and Technology, which required state media to cover any event involving the President or Vice President, resulted in copious television coverage for BDP candidates in comparison to that enjoyed by their rivals. Skeptical of the impact of a code of conduct, opposition party representatives focused on state funding of political parties as a the most effective means for equalizing access to broadcast media.

AMBASSADOR CITES BOTSWANA'S EXAMPLE

19. (U) In Ambassador Huggins' remarks to the conference, he noted the invaluable example Botswana sets for the continent and the developing world, as a stable democracy. He challenged the participants to examine the IEC and the constitutional and legislative context in which it operates and to propose changes that would build upon its laudable achievements.

COMMENT

10. (U) One major theme of these deliberations was the need to trim some of the powers wielded by the President. This conclusion flies in the face of the cultural and historical role of chiefs and the popular concept of the President as a paramount chief, at least among the older generation. It accounts for the deliberate concentration of powers in the Presidency by the GOB over the years. More recently, however, there is growing public concern in Botswana regarding an over-mighty executive. Mission continues to use partnerships such as that with the IEC to advocate for reforms, such as developing more 'checks and balances,' to strengthen democracy in Botswana and enhance its role as an example to other countries.

HUGGINS